

**Senate File 288 - Introduced**

SENATE FILE 288

BY DANIELSON

**A BILL FOR**

1 An Act related to public sector preferences for veterans in  
2 appointment and employment and including civil penalty  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35C.1, subsection 2, paragraph a, Code  
2 2015, is amended to read as follows:

3 a. In all jobs of the state and its political subdivisions,  
4 an application form shall be completed. The application form  
5 shall contain an inquiry into the applicant's military service  
6 during the wars or armed conflicts as specified in subsection  
7 1. The state and its political subdivisions shall provide each  
8 applicant who indicates the applicant's status as a veteran  
9 under this section with a written statement prepared pursuant  
10 to subsection 5.

11 Sec. 2. Section 35C.1, Code 2015, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 5. The office of attorney general shall  
14 prepare a written statement which sets forth in simple and  
15 nontechnical terms the rights and duties contained in this  
16 chapter. The written statement shall remain posted on the  
17 attorney general's internet site and the internet site of the  
18 department of veterans affairs.

19 Sec. 3. Section 35C.6, Code 2015, is amended to read as  
20 follows:

21 **35C.6 Removal — certiorari — judicial review.**

22 No person holding a public position by appointment or  
23 employment, whether the position is an at will position, merit  
24 employment position, or a position subject to collective  
25 bargaining, and belonging to any of the classes of persons to  
26 whom a preference is herein granted, shall be removed from such  
27 position or employment except for incompetency or misconduct  
28 shown after a hearing, upon due notice, upon stated charges,  
29 and with the right of such employee or appointee to a review by  
30 a writ of certiorari or at such person's election, to judicial  
31 review as a contested case with a record in accordance with the  
32 terms of the Iowa administrative procedure Act, chapter 17A, if  
33 that is otherwise applicable to their case.

34 Sec. 4. NEW SECTION. **35C.9 Enforcement — penalties.**

35 1. The office of attorney general or a county attorney shall

1 enforce the provisions of this chapter.

2 2. a. For the purposes of this subsection, "*person*" means  
3 any officer or supervisory employee of the state, or of a  
4 county, city, or school corporation of the state, responsible  
5 for the appointment, employment, or removal of an appointee or  
6 employee. For the purposes of this section, "*person*" does not  
7 mean the state or any county, city, or school corporation of  
8 the state.

9 b. Notwithstanding any contrary provision of chapter 669 or  
10 670 or of other law, a person who violates a provision of this  
11 chapter shall be subject to all of the following:

12 (1) The person shall be assessed a civil penalty of not more  
13 than one thousand dollars. Each day that a violation exists  
14 constitutes a separate offense.

15 (2) The person shall pay all court costs.

16 c. If the attorney general is the prevailing party, the  
17 civil penalty required to be paid by a person who violates a  
18 provision of this chapter shall be deposited in the veterans  
19 trust fund created in section 35A.13. If the county attorney  
20 is the prevailing party, the civil penalty required to be paid  
21 by the person who violates a provision of this chapter shall  
22 be deposited in the general fund of the county and shall be  
23 appropriated to the county commission of veteran affairs.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill relates to public sector preferences for veterans  
28 in appointment and employment.

29 The bill requires that the state and its political  
30 subdivisions provide each applicant who indicates the  
31 applicant's status as a veteran, seeking appointment or  
32 employment, with a written statement that sets forth the  
33 rights and duties contained in Code chapter 35, on veterans  
34 preferences. The bill requires that the office of attorney  
35 general prepare the written statement to set forth those rights

1 and duties in simple and nontechnical terms.

2 Under current law, no qualifying veteran holding a public  
3 position by appointment or employment, is allowed to be removed  
4 from the position except for incompetency or misconduct shown  
5 after a hearing, upon due notice, upon stated charges, and with  
6 a right to review. The bill provides that this requirement  
7 shall apply to public positions, whether the positions are  
8 at will positions, merit employment positions, or positions  
9 subject to collective bargaining.

10 The bill further requires the office of attorney general and  
11 county attorneys to enforce the provisions of Code chapter 35C.

12 The bill requires that a person who violates a provision  
13 of Code chapter 35C be assessed a civil penalty of not  
14 more than \$1,000 per day and pay all court costs. The bill  
15 requires that civil penalties collected by the attorney  
16 general be deposited in the veterans trust fund and that civil  
17 penalties collected by a county attorney be deposited in the  
18 general fund of the county and be appropriated to the county  
19 commission of veteran affairs. Under the bill, only officers  
20 or supervisory employees of the state, or of a county, city, or  
21 school corporation of the state, who are responsible for the  
22 appointment, employment, or removal of an appointee or employee  
23 under Code chapter 35C, are subject to these civil penalties,  
24 notwithstanding contrary provisions of law.